

EXHIBIT

“A”

FILED: BRONX COUNTY CLERK 01/05/2022 03:56 PM

NYSCEF DOC. NO. 1

INDEX NO. 800216/2022E

RECEIVED NYSCEF: 01/05/2022

(S) 1-10-22
@ 1:13 pm GS.SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
TYNDSOM M. CONGO,

Plaintiff,

against

TQI, INC. and MICHAEL J. ADAMS,

-----X
Defendants.

Index No.

Summons*Plaintiff's Residence*
728 East 187th Street, Apt. 16
Bronx, NY 10458*The basis of venue designated is:*
Plaintiff(s) residence.

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York
January 5, 2022

Mark J. Linder, Esq.

Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016TQI, Inc.
6800 Port Road
Groveport, OH 43125Michael J. Adams
904 West Lane
Milford, DE 19963

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF **BRONX**

-----x
TYNDSOM M. CONGO,

VERIFIED COMPLAINT

Plaintiff,

-against-

TQI, INC. and MICHAEL J. ADAMS,

Defendants.
-----x

Plaintiff, complaining of the defendants herein by his
attorneys, HARMON, LINDER & ROGOWSKY, ESQS., respectfully sets
forth and alleges, as follows:

**AS AND FOR A CAUSE OF ACTION
ON BEHALF OF TYNDSOM M. CONGO**

1. That at the time of the commencement of this action plaintiff was a resident of the County of **BRONX**, State of New York.
2. That at all times herein mentioned defendant, **TQI, INC.**, was a corporation authorized to do business in the State of New York.
3. That at all times herein mentioned defendant, **TQI, INC.**, was the owner of an automobile bearing registration number **PWL6240**, State of Ohio.

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4. That at all times herein mentioned defendant, **MICHAEL J. ADAMS**, was the operator of the aforesaid automobile bearing registration number **17743D1, State of Ohio**.

5. That at all times herein mentioned defendant, **MICHAEL J. ADAMS**, was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant, **TQI, INC.**, with the knowledge, consent, and permission, either express or implied of the defendant owner thereof.

6. That at all times herein mentioned plaintiff, **TYNDSOM M. CONGO**, was the operator of an automobile bearing registration number **17743D1, State of Texas**.

7. That on the **Twenty-First Day of June 2021**, at approximately **5:50 p.m.**, the aforesaid vehicles came into contact with plaintiff's vehicle at **95I N/B New England Thruway**, at or near its intersection with **1/10 Mile N/O Exit to Bartow Avenue**, a public street and thoroughfare, in the County of **BRONX**, State of New York.

8. The defendants so carelessly and negligently operated their aforesaid respective vehicles so as to cause the aforesaid contact.

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9. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.

10. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.

11. That this plaintiff has sustained a serious injury as the same is defined in Subdivision "d" of Section 5102 of the Insurance Law of the State of New York.

12. That this action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

13. That by reason of the foregoing, plaintiff, **TYNDSOM M. CONGO**, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff, **TYNDSOM M. CONGO**, demands judgement against the defendant in the **Cause of Action** in an amount which exceeds the jurisdictional limits of all lower courts that would

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otherwise have jurisdiction; all together with the costs and
disbursements of this action.

Dated: New York, NY
January 5, 2022

Mark G. Linder, Esq.
HARMON, LINDER & ROGOWSKY, ESQS.
Attorney(s) for Plaintiff(s)
3 Park Avenue, Suite 2300
New York, New York 10016
(212) 732-3665
MJL/kw

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ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted to practice in the Courts of New York State,
and say that:

I am the attorney of record or of counsel with the attorney(s) of record for plaintiff.

I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the
contents thereof and the same are true to my knowledge, except those matters therein which are
stated to be alleged on information and belief. As to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge is based upon the following:

Interviews and/or discussions with the plaintiff(s) and papers and/or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff
resides outside of the county from where your deponent maintains his office for the practice of
law.

Dated: New York, New York
January 5, 2022

Mark J. Linder

Mark J. Linder, Esq.

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Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF **BRONX**-----
TYNDSOM M. CONGO,

Plaintiff,

-against-

TQI, INC. and MICHAEL J. ADAMS,

Defendants.
-----**SUMMONS AND VERIFIED COMPLAINT**
-----**HARMON, LINDER & ROGOSWKY, ESQS.**

Attorney for Plaintiff(s)

3 Park Avenue, 23rd Floor**Suite 2300****New York, NY 10016****(212) 732-3665 Phone****(212) 732-1462 Facsimile**

To:

Attorney(s) for Defendant

Service of a copy of the within Summons and Complaint is hereby admitted.

Dated:Attorney(s) for

PLEASE TAKE NOTICE

☐ Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on☐ Notice of Settlementthat an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named Court, at _____,
on _____.

Dated:

Yours, etc.
Harmon, Linder & Rogowsky
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665

TYNDSOM M CONGO

AGAINST

TQI, INC. ET AL

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

NOTICE OF ELECTRONIC FILING (Mandatory Case) (Uniform Rule § 202.5-bb)

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

*If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

*If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- *serving and filing your documents electronically
- *free access to view and print your e-filed documents
- *limiting your number of trips to the courthouse
- *paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- *visit: www.nycourts.gov/efile-unrepresented or
- *contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys (E-filing is Mandatory for Attorneys)

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

DATE: 1/5/2022

HARMON, LINDER & ROGOWSKY, ESQS.

HARMON, LINDER & ROGOWSKY, ESQS.
3 PARK AVENUE, SUITE 2300
NEW YORK, NY 10016
Tel: 212-732-3665